

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MICHAEL ERWINE,

Case No. 3:24-cv-00045-MMD-CSD

Plaintiff,

ORDER

v.

CHURCHILL COUNTY, *et al.*,

Defendants.

Plaintiff Michael Erwine sued Defendants Sheriff Benjamin Trotter and Churchill County, the United States of America, Michel Hall, John Leonard, Zachary Westbrook, and Gene M. Burke for alleged violations of his rights under the federal and state Constitution, and Nevada state law, generally arising out of his tenure and termination as a police officer with first Churchill County and later the Washoe Tribe of Nevada and California (“Washoe Tribe”). (ECF No. 59 (“FAC”).) The Court recently dismissed Erwine’s remaining claims against the United States and Defendants Michel Hall, John Leonard, and Zachary Westbrook (collectively, the “Washoe Tribe Defendants”), along with Gene Burke. (ECF No. 123.) Before the Court are: (1) the United States’ motion for entry of final judgment in its favor (ECF No. 125); (2) the Washoe Tribe Defendants’ motion for entry of final judgment in their favor (ECF No. 126); and (3) Burke’s joinder to the Washoe Tribe Defendants’ motion (ECF No. 127). Erwine opposes neither motion. (ECF No. 128.) Nor does he oppose Burke joining the Washoe Tribe Defendants’ motion. (*Id.*) Because they are unopposed, and as further explained below, the Court will grant both motions.

“[W]hen multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all . . . parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b). The Court expressly determines there is no just reason for delay here. The Court has dismissed all of Erwine’s

1 claims against the United States, the Washoe Tribe Defendants, and Burke. (ECF Nos.  
2 91, 107, 123.) “Although similar claims remain pending against other defendants [here,  
3 Churchill County and Benjamin Trotter], the factual bases of many of the claims differ as  
4 to each defendant.” *Noel v. Hall*, 568 F.3d 743, 747 (9th Cir. 2009) (affirming entry of final  
5 judgment as to one defendant after the Court had granted summary judgment to that  
6 defendant). And as noted, Erwine opposes neither the motions nor Burke’s joinder. (ECF  
7 No. 128.) The Court accordingly finds it appropriate to grant both motions and direct entry  
8 of final judgment in the moving and joining parties’ favor now. See *Noel*, 568 F.3d at 747.

9 The Court notes that the parties made several arguments and cited to several  
10 cases not discussed above. The Court has reviewed these arguments and cases and  
11 determines that they do not warrant discussion as they do not affect the outcome of the  
12 motions before the Court.

13 It is therefore ordered that the United States’ motion for entry of judgment in its  
14 favor (ECF No. 125) is granted.


15 The Clerk of Court is directed to enter a separate judgment in the United States’  
16 favor consistent with this order and the Court’s prior orders (ECF Nos. 91, 107, 123)  
17 dismissing Erwine’s claims against the United States.

18 It is further ordered that Defendants Zachary Westbrook, John Leonard, and  
19 Michel Hall’s motion for certification and entry of final judgment (ECF No. 126) is granted.

20 It is further ordered that the Court recognizes Defendant Gene M. Burke’s joinder  
21 (ECF No. 127) of Washoe Tribe Defendants’ motion for entry of final judgment.

22 The Clerk of Court is further directed to enter a separate judgment in favor of  
23 Defendants Zachary Westbrook, John Leonard, Michel Hall, and Gene M. Burke  
24 consistent with this order and the Court’s prior orders (ECF Nos. 91, 123) dismissing  
25 Erwine’s claims against them.

26 DATED THIS 23<sup>rd</sup> Day of April 2025.

27   
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE